

**REMARKS**

Claims , 1, 7, 15, and 27 have been amended. Claims 3, 10, 17 and 29 have been cancelled. Accordingly, claims 1, 2, 4-9, 11-16 and 18-29 are currently pending in the application. Applicants respectfully traverse the rejections of record set forth in the Office action, mailed 05 May 2006, based on the following discussion.

**I. The 35 U.S.C. 101 Rejection**

The Examiner has rejected claims 22-25 under 35 U.S.C. 101 on the basis of the claimed invention being directed to non-statutory subject matter. The method of the claims is drawn to altering or reorganizing the hierarchical structure of a markup language file. Applicants, however, respectfully disagree with the Examiner. The Examiner's attention is directed to *Ex Parte Lundgren* Paper No.78 (BPAI 2004) which directly addresses this question.

The Board of Patent Appeals and Interferences in *Ex Parte Lundgren*, citing the decision of the Federal Circuit in *AT&T Corp. V. Excel Communications, Inc.*, 172 F.3d 1352, 1358, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999), states that a process claim that produces a useful, concrete, tangible result falls within the scope of 35 U.S.C. §101. Indeed, *Ex Parte Lundgren* relates to process claims that recite mathematical algorithms. The present claims recite the reorganization of the hierarchical structure of data within a markup language file, and as such is clearly drawn to a process that produces a "useful, concrete and tangible result," i.e. a reorganized markup language file that differs in the hierarchical structure of the data contained therein. Since the method claims produce a "useful, concrete, tangible result," the claims meet

the standards under 35 U.S.C. §101. For the foregoing reasons, Applicants' respectfully request that the Examiner withdraw the present rejection.

## II. The Prior Art Rejections

Claims 1-2, 5-9, 12-15, 19, 21, 26-28 and 31-33 stand rejected under 35 U.S.C. 102(e) as being anticipated by Sangudi et al. (U.S. Patent No. 6,925,470), hereinafter referred to as Sangudi.

Claims 3, 10, 17 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sangudi in view of Schloss et al. (U.S. Patent No. 6,249,844), hereinafter referred to as Schloss.

Claims 4, 11, 18 and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sangudi, in view of Schloss and Cox (U.S. Patent Publication No. 2002/0112224), hereinafter referred to as Cox.

Claims 16 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sangudi, in view of Mani et al. (U.S. Patent Publication No. 2003/0212698), hereinafter referred to as Mani. Applicants respectfully traverse these rejections based on the following discussion.

### A. The 102(e) Rejection Based on Sangudi

The claims have been amended to further prosecution in the present application. The claimed invention, as provided in amended independent claims 1, 7, 15 and 27 contain features, which are patentably distinguishable from the prior art references of record. Claims 1, 7, 15 and 27 have been amended to recite the limitation comprising:

erasing said memory section, wherein a first memory section is erased only when an end of section indicator has been encountered by said parsing process, a new corresponding data pair is produced by said parsing process, and the node data of said data pair is ready to be loaded in said first memory

section.

Support for this limitation is found throughout the specification and, more, particularly in now canceled claims 3, 10, 17 and 29. As such, the amendments made herein represent features of the invention that have been examined, are fully supported by the specification as originally filed and, thus, do not constitute new matter. The rejection of claims 1, 7, 15 and 27 and the claims that depend therefrom are respectfully traversed based on the following discussion.

The Examiner has rejected claims 1, 2, 5-9, 12-15, 19, 21, 26-28 and 31-33 over Sangudi. Sangudi teaches a method and apparatus for representing an XML data structure as a fixed set of sub-tables in a relational database involving grouping at least one XML node and possibly any sub-node into a relationship, generating a fixed sized table for the grouping, possibly repeating groupings and tables.

It is understood that cited references, either alone under 35 U.S.C. §102 or in combination under 35 U.S.C. §103, must teach each and every element of the claimed invention. Sangudi, however, fails to teach each and every element of the amended independent claims.

The Examiner acknowledges that Sangudi fails to teach the limitation reciting that “a first memory section is erased only when an end of section indicator has been encountered by said parsing process.” In order to cure this deficiency of Sangudi, the Examiner has cited Schloss in the rejection of now cancelled claims 3, 10, 17 and 29. The Examiners arguments in support of the rejection of Sangudi in view of Schloss are addressed herein in so far as those arguments apply to the amended independent claims based on the incorporation of the limitations of cancelled claims 3, 10, 17 and 29 into the pending independent claims as set forth in this amendment.

The Examiner asserts that Schloss discloses that a first memory section is erased only when three events occur: (1) an end section indicator has been encounter by the parsing process of the claims; (2) a new corresponding data pair is produced by the parsing process of the invention; and (3) the node data of the data pair is ready to be loaded. The Examiner cites Schloss column 4, lines 33-37, Schloss, column 5, lines 38-41, and Schloss, column 8, lines 38-40 and Sangudi, figure 10 as teaching this limitation. For example, Schloss at column 4, lines 33-37 describes the identification of an end-tag and Schloss at column 8, lines 38-40 discloses that a fragment cache is deleted.

However, the discussions relate to separate and different aspects of the disclosure of Schloss. The discussion at column 8, lines 38-55 relates to a garbage cache where a fragment is deleted when a specified value is reached and not when an end-tag is reached. Moreover, there is no implication that the cache will be deleted when an end segment indicator is met during a parsing process. Indeed, Schloss fails to disclose a parsing process. No motivation is found in Schloss to delete a memory only after identifying an end segment because Schloss only disclose deleting fragments after reaching a specified value. As acknowledged by the Examiner, Sangudi fails to disclose the deleting of a memory section after an end of section indicator is reached. Thus, Schloss fails to disclose this limitation of the claims.

Moreover, Schloss fails to disclose the other two conditions of the claimed limitation. Schloss fails to disclose a new corresponding data pair produced by the parsing process and fails to disclose that the node data of said data pair is ready to be loaded because Schloss does not disclose handling relational information and does not disclose data pairs. Therefore, Schloss not only fails to recite each and every limitation and, in particular, meet the claimed limitation

requiring that a first memory section is erased only when three events occur: (1) an end section indicator has been encounter by the parsing process of the claims; (2) a new corresponding data pair is produced by the parsing process of the invention; and (3) the node data of the data pair is ready to be loaded; neither Schloss nor Sangudi provide adequate motivation to require meeting all three preconditions for deleting the memory. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

#### **B. The 103(a) Rejection Based on Sangudi and Schloss**

The disclosure of Sangudi is discussed above. Schloss teaches a method, apparatus and computer program product for identifying and creating persistent object fragments from a named object. For example, a digital content description of a named digital object can be dynamically parsed, and persistent fragment identities created and maintained to facilitate caching.

Claims 3, 10, 17 and 20 rejected under 35 U.S.C. §103(a) have been cancelled. However, the Examiner's arguments relating to Sangudi in view of Schloss are set forth above in so far as they apply to amended claims 1, 7, 15 and 27.

#### **C. The 103(a) Rejection Based on Sangudi, Schloss and Cox**

The disclosures of Sangudi and Schloss are discussed above. Cox teaches An XML Data Loader which employs the SAX parsing technology, provides an extendible architecture to generate SQL for each type of XML document to be loaded, and leverages multithreading and decoupling of processes to parse an XML file and to update a database.

As shown above, neither Sangudi nor Schloss discloses erasing a memory only when the

preconditions described above are met. Cox ref is referenced, by the Examiner, for the limited purpose of teaching the transfer of information as soon as loading is complete for at least one element of node data and is not referenced for teaching erasing a memory only when the preconditions described above are met, and does not teach this limitation. Thus, no combination of Sangudi, Schloss and Cox would teach the invention defined by the independent claims. Claims 4, 11, 18 and 20 depend from these claims and are patentable by virtue of this dependency and because of the additional features they define.

#### D. The 103(a) Rejection Based on Sangudi and Mani

The disclosure of Sangudi is discussed above. Mani teaches Graphical specification of an XML to XML transformation rule, including receiving a user's selection of a user-selected, optionally ambiguous, target leaf node, from a target tree of an initial target context, the target leaf node representing a target XML element to be mapped by the transformation rule; if the target leaf node is ambiguous, disambiguating the target leaf node; and adding the target leaf node to the transformation rule.

As shown above, Sangudi fails to disclose erasing a memory only when the preconditions described above are met. Mani ref is referenced, by the Examiner, for the limited purpose of teaching partitioning based on a document type file definition file, separate from the hierarchical file, wherein the document type definition file comprises a hierarchical structure and is not referenced for teaching erasing a memory only when the preconditions described above are met, and does not teach this limitation. Thus, no combination of Sangudi and Mani would teach the invention defined by the independent claims. Claims 16 and 20 depend from these claims and are

patentable by virtue of this dependency and because of the additional features they define.

### III. Formal Matters and Conclusion

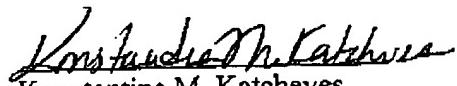
With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims. Replacement Drawings have been filed to overcome the rejections in the drawings.

In view of the foregoing, Applicants submit that claims 1-33, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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